

REPORT TO: SCRUTINY COMMITTEE - 18 AUGUST 2010

**REPORT ON: ST MARY'S PRIMARY SCHOOL NURSERY CLASS
MATTER ARISING FROM SCRUTINY COMMITTEE OF 10 JUNE
2010 - ERECTION OF FENCE**

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 390- 2010

1.0 PURPOSE OF REPORT

1.1 The Scrutiny Committee, at their meeting on 10 June 2010 (report no. 319-2010 refers), remitted to the Director of Education to report back on a suggestion that a fence should be erected at St Mary's Primary School Nursery Class to separate the outside play area from a public footpath. The purpose of this report is to advise the Scrutiny Committee of the action taken by the Director of Education following that suggestion.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Scrutiny Committee notes the decision by the Director of Education that a fence is not required, since a range of other steps will be taken immediately to address the issue of members of the public passing through the school grounds.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications.

4.0 MAIN TEXT

4.1 St Mary's PS nursery class received an unannounced inspection by the Care Commission in March 2010. A report on their findings was published in May 2010, containing grades of 'good' and 'very good'.

4.2 The Care Commission Officer had reported, in Quality Theme 1, 'Quality of Care and Support', Statement 3 (page 20 of 39), that "the outside play area is some distance from this first floor nursery facility and is not conducive to children accessing the outside area independently or spontaneously. The addition of a fence separating it from the public footpath would contribute to a safer play area for the children."

4.3 The Care Commission Officer's understanding had been that the general public can use the school grounds as a thoroughfare between Ancrum Road Primary School and Lochee Road. Assuming that this was the case, the officer felt there needed to be a barrier between the children and the public.

- 4.4 The Education Department's Health and Safety Officer visited St Mary's Nursery Class on 18th June 2010 and conducted an assessment. In addition, the possible erection of a fence was reviewed by the school's Property Officer.
- 4.5 The school grounds and pathway are not a public access route. Adjacent to the school grounds are steps for public use to allow pedestrians to access Lochee Road from the Old Muirton Road area. It is acknowledged that some members of the public have been known to pass through the school grounds instead of using the adjacent public path and steps. However, there is no need for the public to cross the school grounds.
- 4.6 In conclusion, this report recommends that a fence is not required, but that the following steps should be taken immediately to address the problem:
- The Acting Head Teacher must lock the gate at the Old Muirton Road fence at times when parents are not dropping off or picking up children from school or nursery.
 - A sign should be placed on the gate indicating that the school grounds are not a public thoroughfare.
 - The front gate on Lochee Road will remain unlocked to allow access for parents and visitors to the school. This gate has a safety 'sleeve' on top which can be released by adults.
 - Nursery children outside in the school grounds will always be accompanied by staff.

5.0 POLICY IMPLICATIONS

- 5.1 This report has been screened for any implications in respect of Sustainability, Strategic Environment Assessment, Anti-Poverty and Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATION

- 6.1 This report has been subject to consultation with the Chief Executive, Depute Chief Executive (Support Services) and Director of Finance.

7.0 BACKGROUND PAPERS

- 7.1 The following Background Paper was relied upon in preparation of this Report:
- Scottish Commission for the Regulation of Care
Inspection Report - Day Care of Children
St Mary's Primary School Nursery, Dundee City Council
08 March 2010

JIM COLLINS
Director of Education

3 August 2010

JC/MM